

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

**TONYA HOWARD and EBONY
JOHNSON, Each Individually and on
Behalf of All Others Similarly Situated**

PLAINTIFFS

vs.

No. 1:22-cv-2817-MSS

**TATE LEGACY INCORPORATED
and DARLENE TATE**

DEFENDANTS

JOINT STATUS REPORT

Plaintiffs Tonya Howard and Ebony Johnson (“Plaintiffs”), and Defendants Tate Legacy Incorporated and Darlene Tate, (“Defendants”), by and through their undersigned counsel, submit the following Joint Status Report:

1. Pursuant to the Minute Order on January 12, 2023 (ECF No. 24), the parties are filing a joint status report.
2. On January 12, 2023, this Court granted Plaintiffs’ Unopposed Motion for Conditional Certification. See ECF No. 25.
3. Pursuant to the Court’s Order granting Plaintiffs’ Unopposed Motion for Conditional Certification, Defendants were required to provide Plaintiffs with their class list by January 19, 2023. Defendants requested additional time from Plaintiffs to provide the class list and agreed to tolling for the opt-ins while they continued getting the class list together.
4. Plaintiffs did not receive a class list from Defendants until January 30, 2023. After reviewing the class list, Plaintiffs’ counsel found that only three people were

listed, with two of those three individuals being the named Plaintiffs themselves. After Plaintiffs' counsel expressed concern to Defendants' counsel that this was not a complete class list, Plaintiffs received an updated class list on February 1, 2023. The updated class list included only two new individuals.

5. Plaintiffs' counsel sent out the initial notice for the single individual from the original class list on January 30 and sent out the initial notice for the two additional individuals from the updated class list on February 1.

6. Plaintiffs' counsel expressed additional concerns to Defendants' counsel about the completeness and accuracy of the updated class list, and Defendants' counsel responded that he would discuss these concerns with his clients.

7. As of this date, Defendants have not yet addressed Plaintiffs' concerns with the previously provided class lists. Assuming Defendants can address Plaintiffs' concerns and questions about the class list, the notice period should end on May 2, 2023. However, if there are other members who fit within the class definition that have not been disclosed yet to Plaintiffs, then there will need to be a new notice period for these individuals.

8. As of this date, no opt-ins have yet joined the case.

9. Plaintiffs' counsel sent a good faith letter to Defendants' counsel on March 30, 2023, regarding not only the issues with the class lists, but also regarding the fact that Plaintiffs had still not received responses to their written discovery requests.

10. Defendants' counsel informed Plaintiffs' counsel that there was an issue with their discovery production delivery system and that they would provide the discovery responses by April 7, 2023.

11. Plaintiffs' counsel has since received a link to access Defendants' discovery production, but Plaintiffs' counsel is currently waiting for further access permission to download and review the produced discovery.

12. The Parties are still hopeful that they can cooperate and resolve the issues related to the class list and discovery. The Parties are also still hopeful that they can work on attempting to resolve this case once the opportunity for others to join has closed.

13. The Parties would like to file a joint status report with the Court by May 3, 2023, to apprise the Court of the status of the notice period and whether the Parties still have a disagreement regarding the sufficiency of the previously provided class lists. The Parties would also like to apprise the Court at that time how much additional time they believe may be needed for discovery and whether there has been any progress on a potential resolution of this case.

Respectfully submitted,

**TONYA HOWARD and EBONY
JOHNSON, Each Individually
and on Behalf of All Others
Similarly Situated, PLAINTIFFS**

SANFORD LAW FIRM
Kirkpatrick Plaza
10800 Financial Centre Pkwy, Suite 510
Little Rock, Arkansas 72211
Telephone: (800) 615-4946
Facsimile: (888) 787-2040

/s/ Colby Qualls
Colby Qualls
Ark. Bar No. 2019246
colby@sanfordlawfirm.com

/s/ Josh Sanford
Josh Sanford
Ark. Bar No. 2001037
josh@sanfordlawfirm.com

**and TATE LEGACY INCORPORATED
and DARLENE TATE**

SMITH ATTORNEYS GROUP AT
LAW P.C.
47 W. Polk Street, Suite 545
Chicago, Illinois 60605
Telephone: (708) 433-9138

/s/ Te D. Smith
Te D. Smith
NJ Bar No. 229812017
tsmith@saglawpc.com